

NOTES ON RR 1-13, RESPONSE TO INFORMATION REQUESTS

Attorney Roger C. Wiley, in *Local Government Officials' Guide to the Freedom of Information Act* (published in 1996 by the Weldon Cooper Center for Public Service, Charlottesville), wrote:

Of all the state laws and regulations with which Virginia's local governments must comply, perhaps none is more misunderstood than the Virginia Freedom of Information Act It is no secret that public officials often resent the restrictions that the act imposes on closed meetings and the obligation they have under the act to produce documents for citizens to inspect.

During 1998, journalists from newspapers throughout Virginia tested how public agencies would respond to requests for legally-releasable information. Representing themselves as citizens with specific requests for information, the journalists approached officials of local government in 135 cities. According to *The Richmond Times-Dispatch*, "requests for documents were met with suspicion, unease and confusion. Many of those asked didn't know the difference between what the public is entitled to and what it is not." The authors of the series of articles that appeared simultaneously in newspapers throughout Virginia concluded that citizens are likely to obtain legally-releasable information only about 50% of the time. Worse, "sheriffs and police departments were least likely to provide the requested information, a crime log or crime report. Of the 84% that refused requests, most said the reports contained sensitive material and are not covered by the FOIA [Freedom of Information Act]."

This order aims to provide essential guidance in releasing information to the public. Further, this order promotes the broadest access to information subject to some restrictions. Note that the order is not titled FOIA, and the former title of "Media Relations" has been disregarded in favor of a broader title, "Response to Information Requests." Information provided to both media and private citizens observes the same legal rules. This revised order communicates that citizens do not have to represent themselves as reporters for the media and they do not have to cite the FOIA or any other legal authority when asking for information. Rather, *any* information request must be courteously received and obliged within the spirit and letter of the law. Note that statutory exemptions to releasable information are *not* prohibitions in most cases: rather, agencies may decide to release statutorily exempt information if doing so is in the agency's interests.

7/2001

POLICE/SHERIFF'S DEPARTMENT		RULES AND REGULATIONS	
SUBJECT: Response to Information Requests		NUMBER: 1-13	
EFFECTIVE DATE: July 1, 2001		REVIEW DATE:	
AMENDS/SUPERSEDES: RR 1-13, July, 1999		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 54.1		VLEPSC STANDARDS: ADM.22.01-.02	

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Freedom of Information Act (FOIA)
Information (releasable, non-releasable)
Information requests, response to
Juveniles; release of information concerning
Media relations
Sex Offender and Crimes Against Minors Registry

I. POLICY

The department maintains that public access to information on the functioning of government is essential to maintaining civil liberties. The department supports the philosophy of state law in that **with few exceptions** its records shall be considered public documents available for examination by anyone. The Virginia Freedom of Information Act (VFOIA) states (*Virginia Code* § 2.1-340.1):

The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. . . All public records and meetings shall be presumed open, unless an exemption is properly invoked. [The law] shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operation of government.

Law enforcement operations profoundly affect the public and, therefore, arouse substantial public interest. The department shall make every reasonable effort to inform the public about crime and enforcement police matters. This shall be done with an attitude of openness and frankness whenever possible. The department's community-oriented policing principles include a commitment to providing access to public services, adherence to democratic principles, and accountability to the community. These goals are achieved through the broad dissemination of information in accordance with relevant laws. Citizens shall have access to personnel who are best informed about the subject of an inquiry. Further, in responding to the news media, employees shall release facts or information that will not impinge on a person's right to a fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of citizens.

All employees shall make every reasonable effort consistent with this order to provide citizens with full and accurate information. *Any request* for information shall be deemed a request under VFOIA, whether or not the requestor specifically invokes the law. Employees must understand that Virginia law does not prohibit the release of any information but does specify information that *may* be withheld at the department's discretion (outlined within this order). All departmental records, therefore, shall be presumed to be open unless specifically exempted under this order. Records shall be open to public inspection during regular business hours maintained by the records custodian.

II. PURPOSE

The purpose of this order is to provide guidelines about information which may be released to citizens, to specify some types of information which may be restricted from release and information that shall not be released, to identify who may release information, and to establish procedures for media relationships with the department.

III. DEFINITIONS

- A. Criminal history record information: Records and data collected by criminal justice agencies on adult persons, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. Excluded from this term is juvenile record information, criminal justice intelligence information, investigative information, or correctional status information (see § 9-169.4).
- B. Criminal incident information: A general description of criminal activity reported, date and general location the alleged crime was committed, identity of the investigating officer, general description of injuries suffered, property damaged or stolen (§ 2.1-342.2).
- C. Information officer: *[Define as appropriate.]*

- D. Public records: "All writings and recordings which consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographs, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession" of the department or its employees (§ 2.1-341).
1. Examples: position or job descriptions, salary scales (including records of salaries for employees earning more than \$10,000 per year), per diem allowances, reimbursement of expenses, books, papers, letters, notes, databases, presentations, reports, forms, documents, meeting minutes, telephone logs, email, contracts.
- E. Records custodian: Any employee in possession or control of departmental records. *[Note: Departments may wish to list records custodians by name, title, and contact information.]*

IV. PROCEDURES--GENERAL RESPONSIBILITIES AND AUTHORITY

- A. The department is committed to informing the community of events within the public domain that are handled by or involve the department in accordance with relevant laws. The department shall respond to any request for information, whether oral or delivered in writing, by email, or fax.
- B. The chief of police/sheriff shall function as the primary contact for disseminating information to the community and media. The chief/sheriff may delegate the responsibility to release certain kinds of information to records custodians. At an incident scene when the chief of police/sheriff is not available, the on-duty supervisor or senior officer present shall be the primary contact. The chief of police/sheriff may designate an information officer to perform these functions.
1. Records custodians may generally release information consistent with this order. Records custodians shall so advise the sheriff/police chief/designated information officer.
2. Records custodians may be under explicit orders to handle information requests only as directed by the information officer. If so, then records custodians shall not themselves release information to requestors.

[Note: In small agencies, the chief of police/sheriff may perform the role of information officer; in larger agencies, the function is usually delegated to a public affairs officer. Further, many larger agencies designate a Freedom of Information Act (FOIA) officer. The chief/sheriff should designate the information officer in writing and should also maintain a current list of records custodians and the records they maintain.]

Agencies which identify a public information officer to serve media inquiries may list responsibilities as follows:

- 1. Assist news personnel in covering routine news stories, and at the scenes of incidents.*
- 2. Respond to news media inquiries, in person, electronically, or telephonically.*
- 3. Prepare and distribute news releases.*
- 4. Arrange for news conferences, as required or requested.*
- 5. Release information about victims, witnesses, and suspects as allowed by law and policy.*
- 6. Coordinate and authorize release of information concerning confidential departmental investigations and operations.*

Agencies which identify an FOIA officer may list responsibilities as follows:

- 1. Update department policy as necessary in accordance with changes made by the Virginia General Assembly to the Virginia FOIA or changes by other sources.*
- 2. Maintain a complete record of the requests for information to the department as well as responses to those requests.*
- 3. Monitor the responses provided by department records custodians to insure that those responses conform with the Virginia FOIA and with department policy.*
- 4. Maintain a written record of the department's records custodians and alternate custodians for FOIA purposes.*
- 5. Compile an annual report to file summarizing requests for information and department responses.*
- 6. Provide copies of this order or the Virginia FOIA to departmental personnel and provide annual training in information release policy and procedures.*
- 7. Report to the chief of police/sheriff instances of non-timely responses to information requests, unauthorized denial of access, any response by*

someone other than an authorized custodian, or other violations of law or policy.]

- C. Inquiries concerning departmental policies, procedures, practices, or relationships with other criminal justice agencies shall be referred to the chief of police/sheriff/information officer. Similarly, the chief of police/sheriff/information officer shall coordinate all responses to inquiries or release of information pertaining to department involvement with other public service agencies (e.g., fire department, medical examiner, commonwealth's attorney, etc.).
 - 1. Policies and procedures are usually releasable, but their release shall be controlled by the chief/sheriff. Employees do not have the authority to disclose written administrative guidance to any citizen.
- D. The chief of police/sheriff shall coordinate responses to inquiries and the release of information concerning confidential departmental investigations and operations.
- E. Consistent with paragraph B above, the on-duty supervisor may direct another officer with the most relevant knowledge at the scene of an incident to respond to information requests. Where several officers have information, one shall serve as the media contact and shall gather information from the others, as directed by the on-duty or on-scene supervisor.

[Note: In many larger agencies, on-scene patrol officers have the prerogative to release appropriate information directly to the news media. No legal reason exists for the strict control of information released to the media as long as all personnel understand what is and is not releasable. Many agencies find it expedient to have personnel refer media requests to a public information or media officer. Further, community-oriented policing promotes openness and access to law-enforcement records, consistent with legal protections.]
- F. In the case of follow-up investigations, the officer or investigator conducting the follow-up shall provide information in the absence of the chief/sheriff or on-duty supervisor.
- G. Failure of any employee to respond to a request for records shall be construed as a denial of records. An employee who fails to provide appropriate records, who fails to respond to any reasonable request for records, or who otherwise violates this order shall be subject to discipline. § 2.1-346.1 addresses violations of FOIA. Per this statute, employees who fail to observe departmental procedures may, following an internal investigation, be issued a criminal summons.

[Note: In the following sections, many exemptions are listed to identify information that cannot be released. Note that most of these records can be either disclosed or withheld at the discretion of the department. Employees cannot be penalized for releasing information that the department

has the discretion to withhold. Some statutes under §§ 16.1, 19.2, and 58.1, however, prohibit the release of certain information. The following guidelines are a representative sample of the guidance a department may promulgate. Each department must intelligently decide what records may be released or withheld.]

V. GENERAL PROCEDURES FOR RELEASE OF INFORMATION

A. Generally, employees may release the following information:

1. The type or nature of an event or crime, to include a brief synopsis of known facts concerning the incident and the identity of the investigating officer(s).
2. The location, date, time, damage, and a general description of how the incident occurred.
3. The type and quantity of property taken, physical injuries, or death (after notification of next of kin).
4. The approximate address of the complainant or crime victim (except sex crimes victims and other cases where the victim may suffer intimidation or reprisal).
5. Requests for help in locating evidence, a suspect, or a complainant. Information concerning the existence of suspects.
6. Numbers of officers or people involved in an event or investigation, the type of investigation, and how long the investigation has been in progress. The name of the officer in charge of any case may be released, and his or her supervisor (except the names of undercover personnel). Do not acknowledge the existence of undercover personnel in order to protect any on-going investigation. Addresses and telephone numbers of departmental personnel shall not be released.
7. If an arrest warrant has been executed, the name, address, and description of the arrestee may be released. If a warrant has been issued but not executed, and the officer anticipates that the public may provide information to assist in locating the person, then this information may be released.
8. General information about motor vehicle accidents such as the date, time, and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, witnesses, and one investigating officer (per § 46.2-379). Note that the accident reports themselves are confidential for the use of the department or any other appropriate agency for accident prevention purposes.

- B. The department shall only respond to requests for information in existence. The department shall not construct a record or produce an abstract or summary. The department shall not produce a new document in response to a request for a record.
- C. When the department responds to an information request, the records custodian or information officer shall notify the requestor within five working days (not including the day of receipt) that:
 - 1. The record has been identified and is being provided, or
 - 2. The department withholds the record (which is described) according to statutory authority (which is listed), or
 - 3. The requested record cannot be produced within five working days. The department shall specify in the letter that a response shall be forthcoming within seven working days.
 - a. Within the original five days the custodian shall notify the requestor that additional time is required to produce the records, the reason for the delay, and that the records shall be produced within the subsequent seven days.
 - 4. The custodian shall log all oral or written requests for information, listing the requestor's name, citizenship status (state resident), date and nature of request.
- D. If only a portion of the requested records are exempt from release, the custodian/information manager shall state in writing the reason for the exemption, the statutory authority for the exemption, the identity of the exempted record, and provide any nonexempt information in the record.
 - 1. Information from a record may be modified to answer a request. If the requested information can be abstracted, for example, from a computer database or from written reports, then the information shall be provided to the requesting citizen.
- E. Guidelines for electronic records
 - 1. If a citizen requests information from an electronic database that has a protected field, the custodian shall delete the protected fields and provide the remainder of the record. Deleting protected fields is not considered the creation of a new document.
 - 2. Note that email within the department's computer databases is releasable unless it meets an exemption (below).

- a. All business emails shall be printed and filed before their deletion. Deleted emails may be retrieved for 30 days following deletion.
- b. If a request is made for copies of deleted emails whether or not paper copies exist, the custodian shall advise the citizen that the retrieval will require special technical procedures which will take time and may incur substantial costs.
- 3. If the requested record exists in electronic form, it may be provided to the citizen as an email attachment.
- 4. In some instances, posting information on the department's website may be a legitimate response to an information request.

F. Costs

[Note: Departments should articulate standard costs for duplicating or furnishing information. Overhead cannot be calculated as a component of the cost. Cost must reflect the actual cost of accessing, duplicating, supplying, or searching records. If a citizen makes a request for an unusually large amount of information that the department calculates as exceeding \$200 to produce, then the citizen may be asked to pay a deposit towards the full amount upon submitting the request. A schedule of costs should be available for the citizen. Suggested wording follows.]

- A. The department shall handle information requests at no cost to the citizen unless the department calculates the cost at greater than \$200. ***[Note: Many small departments may not be able to afford to absorb the cost of information requests under \$200. Alternative wording: The department may seek payment for the actual cost in terms of staff time and photocopy charges at the rate of 15 cents per copy.]*** The department may request an advance if the cost exceeds this amount (§ 2.1-342.F applies).

VI. DISCLOSURE OF CRIMINAL INCIDENT INFORMATION

Criminal incident information may be disclosed as follows per § 2.1-342.2:

- A. Criminal incident information on felonies may be released providing that doing so does not clearly jeopardize a citizen's safety or an ongoing investigation.
- B. Information concerning the identity of any arrested or charged person, the status of the arrest or charge, the general description of the criminal activity reported, the date and general location of the alleged offense, the identity of the investigating officer, and a general description of any injuries suffered, property damaged or stolen.

1. Information under B may be withheld if its release jeopardizes safety or the integrity of an investigation, results in the destruction of evidence, or helps a suspect evade detection. Information may be withheld until such time as the damage described is not likely to occur (§ 2.1-342.2.B).

[Note: Departments may find it expedient to address other relevant matters concerning the disclosure of criminal incident information. For example, some agencies include the following prohibitions which are not required by law:

The identity of any person for whom a warrant or summons has not yet been issued, or indictment returned.

The existence of any criminal record or any information concerning the character or reputation of the accused or remarks which tend to establish the defendant as a career criminal.

The existence or contents of any confession, admission, or statement of the accused.

The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test.

The identity of actual or prospective witnesses to crimes, other than the victim as mentioned above, or comments on the expected testimony or credibility of any witness.

Any opinions as to the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations, or the utility or relevance of any evidence.

Comments which suggest that a defendant has aided in the investigation.]

VII. RULES RESTRICTING THE RELEASE OF INFORMATION

- A. Employees shall respond to all information requests within five working days. ***[Note: Agencies should make clear what people are denoted by "employees." For example, does "employee" include interns, auxiliaries, or volunteers?]*** If the requested information cannot be provided within five working days, the requestor shall be advised of the fact in writing with an estimate of when the information shall be provided. (See section V.C) When the employee must relay information to a press or information officer, the information shall be annotated with the time and date of receipt.
- B. Employees *shall not* ask the citizen for a reason, justification, or explanation for the request for information or records. If the request is unclear, employees shall work

with the citizen to elaborate the request with reasonable specificity. Employees shall volunteer information, as appropriate, about the nature or type of department records.

- C. Employees shall regard any request for information as a VFOIA request. Requests may be oral or in writing. Requests must reasonably specify the information requested. If the request is particularly detailed or complex, employees may ask the citizen to submit the request in writing.

[Note: Consult § 2.1-342.2 for exempt records. Not all exemptions are addressed in this order. Note that in most cases the exemptions are not absolute prohibitions against releasing records. The law offers agencies discretion in releasing them. Also, VFOIA imposes requirements on agencies that receive requests from Virginia citizens. VFOIA does not apply to requests originating in other states. This sample order, however, promotes the view that all requests should be handled in the same way.]

- D. Employees shall not release tactical plans (§ 2.1-342.01.57). If an order contains a tactical plan as an attachment, the attachment may be removed and retained while the order is released. Except for tactical plans, the written administrative guidance of this department is releasable. Employees shall not disclose information concerning the planning of raids or other specialized enforcement efforts.
- E. Employees shall not disclose the identity of victims of sex-related crimes or information that might directly or indirectly identify them (see § 19.2-11.2). ***[Note: The statute specifies that information shall be withheld upon request of the victim.]***
- F. Employees shall not release the identity of any person providing information about a crime under promise of anonymity (§ 2.1-342.2.E).
- G. Employees shall not disclose complaints, memoranda, correspondence, or evidence pertaining to a criminal investigation or prosecution except for releasable criminal incident information under section VI (§ 2.1-342.2.F.1).
- H. Employees shall not disclose reports from other criminal justice agencies that were submitted to the department in confidence (refer to § 2.1-342.2.F.3).
- I. Employees shall not release records of Neighborhood Watch organizations that include the names, addresses, and schedules of participants which were provided to the department on promise of anonymity (§ 2.1-342.F.5).
- J. Employees shall not disclose identifying personal, medical, or financial information from investigative or other noncriminal reports if the disclosure may jeopardize the privacy or safety of any person (§ 2.1-342.2.G.1).

- a. Examples: medical information obtained during unattended death cases; credit card numbers.
- K. Employees shall not release records of background investigations of applicants for employment or any other confidential administrative investigation of any employee or applicant.
 - 1. The department shall not disclose the contents of any employment test used, administered, or prepared for the purposes of evaluating any employee's or applicant's aptitude for employment, retention, or promotion (§ 2.1-342.01.A.11).
 - 2. The department shall not disclose the scoring key or any other document that might jeopardize the security of an employment test.
 - 3. A person who has taken an employment test shall be entitled to inspect all documents concerning his or her performance on the test.
- L. The department shall not provide information for any standing requests for future information of a specific kind.
- M. Employees shall disclose criminal history record information to other law enforcement agencies only upon a *bona fide* request.
- N. Employees may disclose departmental records to incarcerated persons except information that may be used in criminal proceedings in which they are involved.
- O. Employees shall not disclose personnel records.
- P. Employees shall not disclose any information concerning the control or administration of the department's data processing system.
- Q. Employees shall not disclose any information on the design, function, operation, or access to any departmental security system, electronic or otherwise.
- R. Employees shall not disclose any information or records acquired during a review of any child death by the State Child Fatality Review Team.
- S. Employees shall not disclose the names of deceased before the notification of next of kin. The specific cause of death shall not be given until pronounced by the medical examiner. ***[Note: In many cases, departments may release this information to the media but prevailing journalistic courtesy observes the practice identified in this step.]***

- T. Employees shall not disclose certain information relating to motor vehicle accident reports including any data concerning drivers' licenses, driver history, and descriptive vehicle information (§§ 46.2-208, -373, -379).

VIII. PROCEDURES GOVERNING INFORMATION CONCERNING JUVENILES

- A. Employees shall observe laws peculiar to information about juveniles who have been charged with criminal offenses.

1. The identities of juveniles may be released only for specific offenses or if the juvenile has been sentenced as an adult. A judge may authorize release of juvenile identity information when a juvenile over 14 has been charged with a felony per § 16.1-269.1.

[Note: Refer to §§ 16.1-301 and -309.1 concerning the confidentiality of law-enforcement records regarding juveniles and the legal guidelines on release of records. § 16.1-309.1 lists exceptions to the confidentiality of records regarding juveniles. § 16.1-299 addresses the confidentiality of arrest data (particularly fingerprints and photographs) of juveniles. Consult your commonwealth's attorney for advice on wording this portion of the order.]

2. *As a general rule*, the name, address, or other distinctly unique information which would serve to identify a juvenile **shall not** be released. Age, sex, place of residence (town, city, or county, but ordinarily not street address), and details of the offense **may** be released. As noted above, under certain circumstances, a judge may authorize release of identity information.

- B. Guidance on releasing traffic-incident information

1. Information on minor traffic infractions is releasable including the names and addresses of those involved.
2. Accidents: If traffic charges are pending as a result of an accident investigation, juvenile identity information shall be withheld. If a juvenile is involved in an accident, but is not charged with any violation, identity information is releasable.
3. Juvenile identity information **shall not** be released for the following serious violations:
 - a. Indictable offenses.
 - b. DUI or permitting another who is DUI to operate vehicle owned by accused.

- c. Exceeding speed limit by 20 or more miles per hour.
 - d. Reckless driving.
 - e. Driving under suspension or revocation of driver's license.
 - f. Leaving the scene of an accident.
 - g. Driving without being licensed.
- C. Official requests for juvenile data from other law-enforcement agencies for current information may be released by a supervisor or the information officer. This information is limited to the juvenile's name, address, physical description, date of arrest, and the arrest charge.

IX. PROCEDURES CONCERNING THE RELEASE OF ARREST INFORMATION

- A. Except for comparable information on juvenile offenders, the department shall disclose the identities of arrested persons, the charges against them, and the status of the charges or arrest. This information shall be released for felony, traffic, and misdemeanor arrests (§ 2.1-342.2.C).
- B. Photographs of adult arrestees are releasable unless doing so may jeopardize a felony investigation. Photographs of adult arrestees may be released when doing so no longer jeopardizes a felony investigation (§ 2.1-342.2.F.2).

[Note: The following section identifies information commonly released following the arrest of an adult. Agencies may expand or reduce this list:

After an arrest of an adult, the following may be released upon request:

- 1. Arrestee's name, age, residence, and other factual background information.***
- 2. The nature of the charge upon which the arrest is made.***
- 3. The identity of the investigative agency and any assisting agencies.***
- 4. The circumstances surrounding the arrest (such as whether pursuit or resistance was encountered, whether weapons were used), including the time and place of arrest and the identity of the arresting officers.***
- 5. Place and status of custody.***
- 6. The dates of scheduled hearings and amount of bond.***

7. *Description of any contraband seized.*
8. *Photographs of the defendants without the police identification data may be furnished, if readily available in current files.]*

X. SPECIAL PROCEDURES: SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY

[Note: § 19.2-390.1 requires the State Police to compile and maintain a Sex Offender and Crimes Against Minors Registry. The Registry exists to help law-enforcement agencies protect communities from repeat sex offenders and to protect children from victimization by criminals who may be hired or who volunteer to work with children. The law provides for dissemination of certain criminal history information to law-enforcement or other criminal justice agencies, public and private schools, and day-care centers. Distribution of relevant criminal history information to audiences beyond those listed constitutes a Class 1 misdemeanor. Under specified circumstances, Registry information regarding a specific person may be given to any person who is seeking day-care services. Consult the web site of the State Police for details (www.vsp.state.va.us). Check with your commonwealth's attorney for the current status of laws concerning the Registry and protocols for the dissemination of information.]

XI. PROCEDURES FOR WORKING WITH THE NEWS MEDIA

- A. Normally, media representatives either visit the department in person or call seeking information about newsworthy items. Routinely, they shall be referred to the chief of police/sheriff.
- B. Normally, media representatives shall not read the original offense reports since non-releasable information may be on the report (e.g., suspect or victim information, per § 19.2-11.2). Offense reports and accident reports shall be carefully checked concerning involvement of juveniles before releasing information. Copies of offense reports with appropriate deletions may be released.
- C. At scenes of major fires, natural disasters, or other catastrophic events, or at crime scenes, officers may establish perimeters and control access. As soon as possible after evidence has been processed and removed, however, media representatives shall be assisted in gaining access to the scene when it will not interfere with immediate operations. Officers may only deny access for legitimate investigative or safety reasons.
- D. Employees cannot authorize the press to trespass on private property. The media representative is responsible for obtaining any permission necessary once the legitimate law-enforcement operation allows access to the scene on private property.

Photography, filming, or videotaping on private property requires the owner's permission.

- E. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews, nor shall employees pose with suspects or accused persons in custody.

[Note: To ensure a consistent response to inquiries from the public, some departments find it useful to employ a form letter. A sample form letter follows.]